

MORRIS, SCHNEIDER & PRIOR, L.L.C.

PUBLISHER'S AFFIDAVIT

Re: MSP File Number:
Lender Loan Number:
Original Borrower(s):
Owner(s) of Record:
Property Address:

648.0311368AL
0002935534
George McCarley, a single man
George McCarley
211 Chestnut Street
Roanoke, AL 36274

STATE OF ALABAMA
RANDOLPH COUNTY

Personally appeared before the undersigned, John W. Steve
having been duly sworn, says on oath that (s)he is the publisher
The Randolph Leader, and that the attached legal advertisement was publ
Leader on the following dates:

Jan. 21, Jan. 28, Feb. 4, 2004

Affiant

Sworn to and subscribed before me this

4 day of February 2004.

Notary Public Danielle Zooker
My Commission Expires: Jan. 18, 2005

(NOTARY SEAL)

PLEASE ATTACH A COPY OF THE LEGAL ADVERTISE

Paralegal: LEE

Default in RANDOLPH COUNTY indebtedness secured by that certain mortgage executed by George McCarley, a single man, to HomeSense Financial Corp. of Alabama, dated May 1, 2000, said mortgage being recorded in book MORT 403, Page 122, in the Office of the Judge of Probate of Randolph County, Alabama. Said Mortgage was last sold, assigned and transferred to Mortgage Electronic Registration Systems Inc., its successors and assigns, as nominee for Household Finance Corp., its successors and assigns.

The undersigned, Mortgage Electronic Registration Systems Inc., under and by virtue of the power of sale contained in said mortgage, will sell at public outcry to the highest bidder for cash before the courthouse door of Randolph County, Alabama, during the legal hours of sale, on February 12, 2004, the following real estate, situated in Randolph County, Alabama, to-wit:

A lot of land in the City of Roanoke, Alabama, particularly described as follows: Lot No. 4 in Block D, according to map of David Manley's estate, made by David Pittman, County Surveyor, dated April 3, 1916, said lot fronting on the east side of Chestnut Street a distance of 68 feet and extending back 210 feet on the north line and 213 feet on the south line and being 42 feet wide on the east or back end; and also, a strip adjoining said lot No. 4 on the south side, said strip being 11 1/2 feet from the east side of Chestnut Street, extending back 213 feet on the north line and 215 feet on the south line and being 8 feet wide on the east or back end, together with all improvements thereon. This being the same property as described in Deed Book 120, Page 219, Office of the Judge of Probate, Randolph County, Alabama. Said property is commonly known as 211 Chestnut Street, Roanoke, AL 36274.

The indebtedness secured by said Mortgage has been and is hereby declared due because of default under the terms of said Mortgage and Note, including but not limited to the nonpayment of the indebtedness as remaining in default, this sale will be made for the purpose of paying the same, all expenses of the sale, including attorney's fees and all other payments provided for under the terms of the Mortgage and Note.

Said property will be sold subject to the following items which may affect the title to said property: all zoning ordinances; matters which would be disclosed by an accurate survey; or by an inspection of the property; any outstanding taxes, including but not limited to ad valorem taxes, which constitute liens upon said property; special assessments; all outstanding bills for public utilities which constitute liens upon said property; all restrictive covenants, easements, rights-of-way; the statutory right of redemption pursuant to Alabama law; and any other matters of record superior to said Mortgage. To the best of the knowledge and belief of the undersigned, the party in possession of the property is George McCarley or tenant(s).

Mortgage Electronic Registration Systems Inc.
as holder of said

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, ALABAMA

000106

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

PLAINTIFF

VS.

Case No. CV-04-41

GEORGE D. MCCARLEY

DEFENDANT

ORDER

Filed in Office

SEP 3 2004

KIM S. BENEFIELD
Clerk of Circuit Court

This cause came before this court on August 19, 2004 for the hearing of various motions. The Plaintiff had filed a motion for summary judgment and the Defendant had filed a motion to dismiss the Plaintiff's action and a motion for sanctions. When the case was called Honorable Oliver Kitchens, appeared as the attorney for Mortgage Electronic Registration Systems, Inc., and the Defendant George D. McCarley appeared pro se. Both persons argued all said motions. In addition the Plaintiff had previously filed supporting documentation relative to its motion for summary judgment and the Defendant submitted various documents and citations at the hearing. The court took all matters under advisement and considered the same.

Having considered all matters presented, the court hereby grants the Plaintiff's motion for summary judgment. The court finds that the foreclosure on the property owned by George D. McCarley was done properly and there is no genuine issue as to any material fact and the Plaintiff is entitled to the judgment as a matter of law. Accordingly the Plaintiff is hereby awarded possession of the subject property as described in the foreclosure proceedings and the Defendant is order to remove himself and his belongings from the said premises immediately. In the event the Defendant has not removed himself and his belongings from the premises within five (5) days from the date of this order the Plaintiff herein may advise the Sheriff of Randolph County and the Sheriff is hereby authorized and directed to forcibly remove the Defendant and his belongings from the said premises and to place the Plaintiff in possession of the premises promptly.

000107

The Defendant's motion to dismiss and the Defendant's motion for sanctions are both hereby denied.

Let a copy of this order be mailed to all attorneys of record and all unrepresented parties.

Done this 30th day of August, 2004.



Tom F. Young, Jr.
Circuit Judge

Oliver Kitchens
N J Rudd Jr
George McCarley

**STATE OF ALABAMA
COURT OF CIVIL APPEALS**

John H. Wilkerson, Jr.
Clerk

Ruby Crowe
Assistant Clerk



300 Dexter Avenue
Montgomery, AL 36104-3741

Phone (334) 242-4093
Fax (334) 242-4017


September 2, 2005

2031142

George D. McCarley v. Mortgage Electronic Registration Systems, Inc. (Appeal from
Randolph Circuit Court: CV 04-41)

You are hereby notified that the following action was taken in the above cause, by
the Court of Civil Appeals:

Application for Rehearing Overruled. No opinion written on rehearing.


John H. Wilkerson, Jr.
Clerk, Court of Civil Appeals

VOL 4 N 2005

STATE OF ALABAMA -- JUDICIAL DEPARTMENT
THE COURT OF CIVIL APPEALS
SPECIAL TERM, 2005

2031142

George D. McCarley v. Mortgage Electronic Registration
Systems, Inc.
Appeal from Randolph Circuit Court (CV-04-41).

CRAWLEY, Presiding Judge.

AFFIRMED. NO OPINION.

See Rule 53(a)(1) and (a)(2)(E), Ala. R. App. P.; and
Palmer v. Resolution Trust Corp., 613 So. 2d 373 (Ala. 1993).

Thompson, Pittman, Murdock, and Bryan, JJ., concur.

John H. Wilkerson, Jr., Clerk of the Court of Civil
Appeals of Alabama, do hereby certify the foregoing is a
full, true and correct copy of the instrument(s) herewith
set out as same appears of record in said court.

Witness my hand this 22nd day of July, 2005

John H. Wilkerson, Jr.

Clerk, Court of Civil Appeals of Alabama



IN THE SUPREME COURT OF ALABAMA

October 20, 2005

1050107

Ex parte George D. McCarley. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: George D. McCarley v. Mortgage Electronic Registration Systems, Inc.) (Randolph Circuit Court: CV 04-41; Civil Appeals : 2031142).

ORDER

IT IS ORDERED that the petition for writ of certiorari filed in this cause on September 19, 2005, is dismissed pursuant to Rule 2(c), Alabama Rules of Appellate Procedure, as untimely filed according to Rule 39(b), Alabama Rules of Appellate Procedure.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 20th day of October 2005

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama

cc:
George D. McCarley, Pro Se
Oliver Kitchens, Attorney
N. John Rudd, Jr., Attorney



IN THE SUPREME COURT OF ALABAMA

November 8, 2005

1050107

Ex parte George D. McCarley. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: George D. McCarley v. Mortgage Electronic Registration Systems, Inc.) (Randolph Circuit Court: CV 04-41; Civil Appeals : 2031142).

ORDER

IT IS ORDERED that petitioner's motion for reconsideration of his petition for writ of certiorari filed on November 2, 2005, is stricken. See Rule 39(1), Alabama Rules of Appellate Procedure.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of November 2005

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama

cc:
George D. McCarley, Pro Se
Oliver Kitchens, Attorney
N. John Rudd, Jr., Attorney

No. 05-8143

Title: George D. McCarley, Petitioner
v.
Mortgage Electronic Registration Systems, Inc.
Docketed: December 19, 2005
Lower Ct: Supreme Court of Alabama
Case Nos.: (1050107)
Decision Date: October 20, 2005

~~~~~Date~~~~~Proceedings and Orders~~~~~

Dec 12 2005 Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed.  
(Response due January 18, 2006)  
Jan 17 2006 Supplemental brief of petitioner George D. McCarley filed.  
Feb 2 2006 DISTRIBUTED for Conference of February 17, 2006.  
Feb 14 2006 Waiver of right of respondent Mortgage Electronic Registration Systems, Inc. to  
respond filed.  
Feb 21 2006 Petition DENIED.

~~~~~Name~~~~~~~~~~Address~~~~~~~~~~Phone~~~~~

Attorneys for Petitioner:

| | | |
|--------------------|----------------------|----------------|
| George D. McCarley | 216B Chestnut Street | (334) 863-6489 |
| | Roanoke, AL 36274 | |

Party name: George D. McCarley

Attorneys for Respondent:

| | | |
|-------------------|----------------------|----------------|
| Larry W. Johnson | 1587 N.E. Expressway | (770) 234-9181 |
| Counsel of Record | Atlanta, GA 30329 | |

Party name: Mortgage Electronic Registration Systems, Inc.